

## REPORT OF THE COMMITTEE ON LAW ENFORCEMENT AND CORRECTIONS

MAY 23, 2001

The Honorable,  
The Board of Commissioners of Cook County

### ATTENDANCE

Present: Chairman Mario Moreno, Vice Chairman Peter N. Silvestri,  
Commissioners Jerry Butler, Allan C. Carr, Roberto Maldonado and Mike  
Quigley (6)

Absent: Commissioner Herbert T. Schumann. (1)

Also Present: The Honorable. Michael Sheahan, Cook County Sheriff; Mr. Patrick  
Driscoll, Chief of the Civil Actions Bureau-Cook County State's  
Attorney's Office; Judge Paul P. Biebel, Jr., Presiding Judge-Cook  
County Criminal Courthouse; Mr. George DeTella, Associate Director-  
Illinois Department of Corrections; Ms. Nancy Miller, Bureau Chief of  
Operation Services-Illinois Department of Corrections; Mr. Lamar Carter,  
Deputy Director in Cook County-Illinois Department of Corrections; Mr.  
Sergio Molina, Chief of Communications-Illinois Department of  
Corrections; Mr. James O'Rourke, Executive Director-Cook County  
Judicial Advisory Council; Mr. Jorge Montes, Mr. Victor Brook and Mr.  
Anthony Agnes, Members-of the Illinois Prisoner Review Board.

Ladies and Gentlemen:

Your Law Enforcement and Corrections Committee of the Board of  
Commissioners of Cook County met pursuant to notice on Wednesday, May 23, 2001  
at the hour of 10:30 A.M. in the Board Room, Room 569, of the County Building, 118  
North Clark Street, Chicago, Illinois.

Your Committee has discussed and made the following requests for additional  
information for further consideration on the subject matter as follows:

Following the call of the meeting, Chairman Moreno introduced representatives from  
various public safety agencies he had invited to provide testimony and referred to a  
Chicago Sun-Times news article, dated April 11, 2001, which addressed the inmate  
population at the Cook County Department of Correction facilities (ref. Attachment No.  
1).

Chairman Moreno said the news article raised serious public safety concerns and moved  
him to call the meeting due to the lack of information the Board had received to date on  
the issue. He stated the intended purpose of the meeting was to brief the county  
commissioners on the issue and to set a foundation that would assist in the gathering

and coordination of information between the various state and county public safety agencies involved in the parole, court and corrections system in order to address the overcrowding problem and alleviate the public safety concerns. To accomplish this goal, he stressed the importance of working together to come up with recommendations to expedite the parole hearing and adjudication process, and agree upon a written plan to address the legal and fiscal problems the county is currently facing due to the overcrowding situation at the county jail.

Chairman Moreno then gave a brief opening statement on the subject matter (ref. Attachment No. 2).

In summary he suggested that as a result of a new State law initiated by the Illinois Department of Corrections to enable the implementation of an aggressive State parole strategy (called "Operation Windy City"), an additional 1000 to 1500 prisoners had been added to Cook County's daily jail population in the past year. He stated that while the county supports such public safety initiatives, the planning behind this new aggressive parole policy unfortunately failed to take into account its impact on the county's public safety budget, agencies and facilities. Consequently, he said Cook County has been left to deal with the fiscal and legal aftermath of the State's actions.

Also due to the lack of coordination between the state, city and county prior to launching "Operation Windy City", he said the Committee did not have a proactive plan to refer to in its discussion of the problem and must instead use a reactive approach in an attempt to gather information and agree on a plan to address the overcrowding problem.

In closing, Chairman Moreno stressed the importance of working together and the need to receive all logistical data and pertinent information from the various agencies involved in order to provide a viable solution to the current problem in the near future. Also to insure the Board is kept informed of the Committee's discussions and actions, the Chairman requested that the Secretary to the Board include, as Attachments to the Committee's report, all written testimony and requested information submitted to the Chairman from the various agencies

The Chairman then proceeded to the first item on the agenda

**1. Office of the Cook County Sheriff – Department of Corrections.**

Chairman Moreno called Sheriff Michael F. Sheahan to speak on the overcrowding issue at the Cook County Department of Corrections.

Sheriff Sheahan provided testimony on what he called "a very serious population management problem" at the Cook County Jail (Attachment No. 3).

In summary, he stated that the steady rise in the county's jail population over the past ten months was the direct result of the increasing number of "parole holds" issued against arrestees by the Illinois Department of Corrections (IDOC) under the new "Operation Windy City" parole enforcement policy.

He explained that arrestees remanded to the county jail with an IDOC "parole hold" are prohibited from posting bond (regardless of the amount) and are ineligible for any of the

Sheriff's alternative programs (such as electronic monitoring). As a result, he said the county has been forced to hold state parole violators in the custody of the Cook County Department of Corrections for timeframes far longer than the average inmate and is powerless to lift the "parole holds" until a parole hearing takes place on the parole violation by the Illinois Parole Review Board (PRB).

In addition, he stated the county is forced to absorb the increased costs of housing such inmates and must deal with safety concerns that arise daily with managing an overcrowded jail facility. Referencing a graph and summary sheet on the jail population (Attachment No. 4), the Sheriff pointed out that the number of active "parole holds" in the county's custody had jumped from 482 last July 2000 to nearly 1,400 as of May 2001. He stated these increases are directly reflected in the county's total jail population, which had climbed to an all-time record high of 11,803 inmates as of May 14, 2001, even though bookings at the jail have decreased by two percent (2%).

The Sheriff advised that the county pays on average \$60 dollars per day to house, feed and provide basic medical services to each inmate and said he believed the State of Illinois should bear some of the fiscal responsibility for holding state inmates (parolees) in the county correction facilities since 'parole holds' represent 10% of the jails population. He stressed that currently the State places the total financial burden of these mandated increased costs on the county, which is solely subsidized by the property owners and taxpayers of Cook County.

Sheriff Sheahan also expressed frustration with the lack of a coordinated or proactive plan that took into account the county's fiscal and legal responsibilities prior to implementing the new aggressive "Operation Windy City" parole strategy. With the absence of such a plan, he said the progress the county has made in managing the jail population over the past ten years to bring the problem of overcrowding under control has been jeopardized. He explained that before the new parole initiative was implemented, the county had begun talks with the federal judiciary on lifting the federal consent decree placed on Cook County in 1974. However with the recent record level jump in the county's jail population, he said further discussion on this topic have been put on hold.

Sheriff Sheahan stated that when his office began to see the impact of the state's new parole initiative, last fall, he directed his staff to work toward identifying possible solutions. Since that time, he said his staff has been apart of several meetings held with the various agencies involved, including, the Cook County State's Attorney's Office, the Judiciary, the Illinois Department of Corrections, the Illinois Prisoner Review Board and the John Howard Association. In these meetings, the Sheriff stated his office has discussed and recommended the following three actions to the State: 1) the establishment of a special court to handle only parole violation cases-- where "parole holds" and any new pending criminal charges could be presented simultaneously to the court in order to expedite the hearing and adjudication process (a so called "one-stop-shop"); 2) the opening of a temporary housing facility by the State of Illinois for processing and holding parolees arrested in the Chicago metropolitan area under Operation Windy City; and 3) a fiscal commitment by the State to fund the local expansion of electronic monitoring programs for non-violent parolees in order to combat the rising jail population caused by having to hold these individuals in the jail while the await their parole hearings or due process in court.

In closing, Sheriff Sheahan stated that absent any realistic solution or financial commitment by the State to assist the county in relieving the current jail overcrowding problem, he was preparing to begin shipping inmates with parole holds back to the Illinois Department of Corrections. He recognized that this action may turn out to be only a short-term solution; but with the lack of response by the State to the County's recommendations to unclog the process and expedite adjudication, he said there seems to be no other option.

The Sheriff ended his remarks stating that if nothing is done to relieve the overcrowding problem, Cook County could be mandated by the Federal Court to pay fines of \$1000 per day until the problem is resolved, as it did back in the early 1980's.

In response to Commissioner Silvestri's question regarding if the statutory responsibility for parole violators is with the State of Illinois or the county, Sheriff Sheahan stated that straight parole violators are the responsibility of the State. However, he said both the State and county have statutory responsibilities with parole violators picked up with new criminal charges. He explained that when the IDOC places "parole holds" on parolees with new criminal charges, it slows the whole court process down and increase the jail population since the county is not allowed to bond out or place these inmates into any alternative program until the hold is lifted by the state.

Sheriff Sheahan suggested that the court should order the State to pay for the costs associated with the detention of an inmate with a "parole hold" on behalf of the taxpayers in Cook County. He referred to what he thought was a statutory provision that calls for the State to reimburse a county for costs associated with housing state inmates who are remanded back to the county jail on a court order.

**Commissioner Silvestri requested information from the State's Attorney's Office regarding any statutory provision that calls for the State of Illinois to reimburse counties for costs associated with housing state inmates or parole violators in county jails while they await parole hearings or due process in the court system. He also asked that any reimbursement other Illinois counties might receive from the State for parolees be included with the information.**

Commissioner Maldonado asked if the Sheriff's office had a fiscal impact statement or statistics comparing the average length of stay for inmates with felony charges versus inmates with parole holds. Sheriff Sheahan responded he did not have that information with him, but would ask his staff to look into the question.

**Commissioner Maldonado requested information in writing from the Sheriff on the number of parole violator represented in the total jail population figures, including data on the average length of stay for state parole inmates compared to the average stay for county inmates, along with a fiscal impact statement.**

In response to Commissioner Quigley's question on when the new parole initiative (referenced as "Operation Windy City") began, Sheriff Sheahan stated the initiative of the IDOC was part of a new state law that became effective July 1, 2000. However, he said there was a 6-month implementation window attached to allow for training of IDOC parole officers and Chicago police officers on the new policy.

In response to Commissioner Quigley's question regarding when the county jail population began to rise above its norm, Sheriff Sheahan stated that the number of inmates significantly began to rise in February of 2001 when the population jumped in one month from 9263 to 10,498.

In response to Commissioner Quigley's request for more information on the parole hearing process, Sheriff Sheahan stated the county holds preliminary hearings on charges daily and handles approximately 125 to 150 cases per week. However, he noted the state parole hearings take place only once or twice a month.

Sheriff Sheahan stated that the current lack of expedited parole hearings and adjudication of parole cases will only further the overcrowding situation at the jail during the summer months. He said this is why last fall the county recommended the establishment of a special court or dedicated Chicago Parole Review Board to meet several times a week to handle parole violation cases, and the opening of a temporary housing facility in the Chicago area by the State of Illinois for the holding and processing of parole violators.

In response to Commissioner Quigley's question regarding upon what authority would the Sheriff be acting if he did begin sending parole violators back to the Illinois Department of Corrections, Sheriff Sheahan stated he currently has the statutory authority and transfers approximately 300 state inmates daily to IDOC facilities.

Commissioner Carr expressed concern regarding the fiscal impact state parole violators have on the pocketbooks of county taxpayers. He stated that if the Sheriff's figure of a 1,400 increase in parole inmates is the average monthly increase in 2001, at a cost of \$60/day he estimated the county will spend approximately \$3 million dollars on these individuals this fiscal year. He recommended the County send the State of Illinois a bill on behalf of the taxpayers of Cook County and take them to court if they refuse to pay.

Commissioner Carr said that he and other commissioners had recently been given a tour of various facilities and programs under the Cook County Department of Corrections, and commended the Sheriff on the work his office is doing to improve the overcrowding issue, as well as other problems at the county's correctional facilities.

In response to Commissioner Butler's inquiry on whether a parolee stopped for a minor traffic violation would be considered a parole violator for which a parole hold would apply, Sheriff Sheahan stated that if stopped in Chicago this individual would likely be arrested for a parole violation and held in the county jail until a state parole hearing could take place. He noted there are instances his office has recently found of parolees charged with minor violations that have been sitting in the county jail for over a year awaiting their cases to be heard and adjudicated by the state.

Commissioner Butler expressed concern with the financial burden placed on the county, but recognized that seeking reimbursement from the state was a separate issue since it still would not alleviate the overcrowding situation. Therefore, he stated he supports the Sheriff's recommendations to the State to address alleviating the county jail population of parole violators, improve the coordination of the parole hearing process and expedite the adjudication of these cases in court.

The Chairman then moved to second item on the agenda

**2. Office of the Cook County State's Attorney – Civil Actions Bureau.**

Chairman Moreno called Mr. Patrick Driscoll, Chief of the Civil Action Bureau, to speak on the issue in the courts on behalf of the Cook County State's Attorney's Office.

Mr. Driscoll provided testimony on the most recent in-chamber meeting with Judge Marovich on the Duran consent decree, as well as background from a legal perspective on the County's history in the courts regarding the overcrowding issue at the Cook County Department of Correction. He also informed the committee of recent meetings with Judge Paul Biebel and various county and state agencies on the parole hearing process and court adjudication of parole violators' cases. He noted the purpose of these meetings has been to discuss problems and recommend active solutions to improve the parole and court systems. He also agreed with the Sheriff's concern relating to the recent increase in the parole inmate population at the county jail and the need to alleviate this situation in the near future in order to continue the progress the county has made in terms of compliance with the consent decree.

In summary, Mr. Driscoll stated that the Sheriff of Cook County operates the county jail under a federal consent decree that has been in effect for over 25 years, referenced now as Duran v. Sheahan, with Judge George Marovich presiding over the case. He explained the county must periodically file written status reports with the Judge for the purpose of keeping the court and plaintiffs informed of the County's progress at the Cook County Department of Corrections facilities.

In regards to the recent overcrowding situation at the Cook County jail and the affect on the case, Mr. Driscoll informed the committee that the Sheriff has been very proactive on the issue. He said the Sheriff brought his concerns to the State's Attorney's attention last year, which allowed the county to bring the matter to the Court's attention in the fall of 2000 as part of the County's periodically filed written status report to the court on the Cook County Department of Correction's facilities. At that time, he noted the population at the jail was low, but the possible impact the State's new parole initiative might have on the county's jail population was addressed in the report.

Mr. Driscoll stated that when the jail population jumped in the first half of 2001, the county again brought the issue to the Court's attention prior to the plaintiff's attorney filing a complaint and Judge Marovich called an in-chambers, hearing on the issue on May 8, 2001. He said the meeting resulted in a very candid discussion with the judge and with representatives of the John Howard Association, counsel for the Sheriff and counsel for the plaintiffs.

In closing, Mr. Driscoll stated that to date the plaintiff's attorneys have not made any contempt request before the court, but are obviously concerned with the situation. He said the county continues to work on a resolution with all the respective parties involved, and the Board should have received the most recent report from the John Howard Association. He noted that the county will be responding to the court on the report (a

standard procedure under the court order) and the next hearing on the county's status report has been set by the court to take place in August 2001.

Mr. Driscoll assured the committee that the State's Attorney's Office is making all attempts to comply with the decree and will keep the Board informed of any new information that may arise on the issue in court. He also said the State's Attorney's Office will look into the committee's request for information on any statutory provisions that could enforce state reimbursement of county expenses for housing state parole violators in county correctional facilities.

In response to Chairman Moreno's question on whether the Office of the Chief Judge and the State's Attorney's Office have had discussions relative to speeding up the disposition of cases in order to shorten the time parole inmates stay in the county jail, Mr. Driscoll stated that solutions to speed up the court process are difficult in terms of time each case takes, since each case is different and each must receive due process under the law, including the right to counsel and the right to a jury trial on any pending new criminal case.

Chairman Moreno asked that a representative from the Chief Judges Office give the committee insight from the judiciary's perspective on the court process and any recommendation the court might have to shorten parolee inmates' length of stay in the county jail.

Judge Paul Biebel gave testimony on the problems the court has had in the past with the number of judges available and the lack of adequate courtroom space. He informed the committee that many courtrooms have been doubled up and special calls have been instituted for all traffic cases.

Judge Biebel stated that he agreed with Mr. Driscoll on the need to treat each case based on its individuality to ensure due process. He noted that two meetings have already taken place in his chambers with a collective group of 20 persons from the various criminal and public safety agencies for the purpose of discussing active solutions, with another meeting scheduled for June 19, 2001. Judge Biebel stated these meetings would continue to be held in order to assist the cooperative discussion of possible solutions for appropriate cases amongst the various offices and agencies.

Judge Biebel also informed the committee that he had just received information from Bill Quinlan, the Director of the Cook County Judicial Advisory Council, that he was meeting with representatives of the Governor's Office and the Cook County Sheriff's Office to discuss the state's assistance in terms of funding for the expansion of the Sheriff's electronic monitoring program. Judge Biebel stated this type of cooperation on alternative programs for non-violent offenders is good to see and may be a solution in a limited number of appropriate parole violation cases.

In response to Commissioner Quigley's question on whether a centralized system or uniformed procedure has been discussed or implemented in the administration of cases in Bond Court, Judge Biebel stated there has been some innovative solutions implemented under Chief Judge Donald P. O'Connell and Judge Robert P. Bastone relating to the administration of cases in Bond Court. He said all bond cases now falls

under 5 judges, which has resulted in a centralized and more uniformed fashion of issuing bonds.

Commissioner Maldonado asked for Judge Biebel's opinion of Sheriff Sheahan's recommendation to establish a specialized courtroom or "one-stop-shop" system for parole violators. Judge Biebel responded that it would be difficult, administratively as well as constitutionally, to present and adjudicate parole cases in this manner since the charges in these cases range from misdemeanor offenses to Class X felony offenses and parolees have the same basic rights as any other offender has in a court of law.

In response to Commissioner Butler's question on whether a specialized courtroom for parole violators would be implemented by the Court if the space was available, Judge Biebel stated that these cases are best handled through the Parole Board and presented to the court with the input of the State's Attorney Office and Public Defender's Office.

The Chairman then proceeded to third item on the agenda

### **3. Office of the Illinois Department of Corrections (IDOC).**

Chairman Moreno called Mr. George DeTella, Associate Director of the Illinois Department of Corrections, to speak on the agency's role in the new parole system reforms.

Mr. DeTella provided testimony on Illinois's parole system and its current policy revisions relating to state inmates who violate their parole agreement. He assured the Committee that the Illinois Department of Corrections has and would continue to stand ready to work with the judiciary, state's attorneys, and county officials on their concerns involving the parole system and the impact it might have on county jails.

In summary, Mr. DeTella gave a brief description of Illinois's parole system, before July 2000, and the history on what brought about implementing IDOC's new initiative implementing policy revisions relating to parolees. Going back to January of 1999, he stated there were six months of public hearings through the Illinois Prison Management Reform Committee on Illinois's parole system. As a result of these hearings, he said it was determined that the State of Illinois did not have an adequate parole system. He noted at that time there were 32,000 state inmates on parole and 160 state parole agents employed to monitor these parolees. However, he explained that only 80 of the 160 parole agents actually worked the street to monitor parolees, which resulted in less than 5 percent of the 32,000 parolees on the street being monitored, contacted and tracked for new charges in the criminal court system.

Mr. DeTella stated in July of 2000 the IDOC began implementing new policy revisions to the state parole system, with an initial training regiment for parole agents and police officers. He noted that during the six-month training period, the IDOC also attempted to get the word out on the new parole initiative through the various state law enforcement organizations (i.e. the Sheriff's Association, Illinois Correctional Association and Illinois Police Association). Mr. DeTella admitted that the IDOC did not articulate to the best of their ability the particulars of the policy revisions when the new initiative was being



discussed, but said at that time no one could have predicted the impact it would have on the state parole and county courts system.

However, on the issue of overcrowding at the Cook County Department of Corrections facilities, Mr. DeTella stated that the IDOC does not believe the number of parolees in Cook County's jails is much greater today than there were in the past. He said the only significant difference seen under the revised parole system is that a larger percentage of parolees are being contacted and monitored by parole agents and police.

In response to the county's claims that the new parole policy has caused the recent population increase at the county jail, Mr. DeTella said the IDOC administrative staff has met with the State's Attorney's and Sheriff's staff to discuss their concerns and has offered any assistance within the agency's scope of responsibility to hasten the transfer of parole violators to IDOC's facilities.

In reference to Sheriff Sheahan's comment that the county has seen an increase of approximately 1,500 parole inmates in its jails since January 2001 under the new "Operation Windy City" initiative, Mr. DeTella disagreed that the number given by the Sheriff is a factor caused by the new revisions to the state's parole system. He said instead it represent a strong misconception of "Operation Windy City" --a parole initiative started in Chicago with the cooperation of the Chicago Police Department, which IDOC would like to expand throughout the State of Illinois. On that point, he stated the 1,500 parolees in the county's jails as of May 1, 2001 represent the number still awaiting the disposition of new felony charges and who's cases remain in the county's criminal courts system. To backup this statement, he cited IDOC statistics and stated from January 2001 to May 2001: 63% of parolees arrested in Cook County were charged with new felony crimes and 37% were arrested on technical violations under the terms of their parole agreement or minor crimes involving property and drugs. During the same time frame, he noted approximately 8,800 parole violators were returned to the IDOC under "Operation Windy City" and only 2 were brought and remain in the county's jail.

Mr. DeTella admitted that when "Operation Windy City" was first rolled out, parolees found to have technical parole violations or arrested on misdemeanors charges were brought to the Cook County jail to await their parole hearings and court cases. However since that time, he said the IDOC recognized an impact on the county jail population and responded by instituting a change in operation procedures by telling parole agents to first bring parolees apprehended for technical violations back to the IDOC to await parole hearings.

On the issue of the county jail's recent population rise with concern of overcrowding at the Cook County Department of Corrections and the Sheriff recommendation for a so called 'one-stop-shop' court parolee cases, Mr. DeTella agreed with the comments previously made by the State's Attorney's Office and Judge Biebel. He reiterated the need to take the totality of cases into factor due to the fact that the parolees in the county's facilities are awaiting adjudication of new felony charges and not technical parole violations and there is a need to insure individuals due process rights. He explained that of the 1500 inmates arrested while on parole, 63% were charged with committing either Class X, aggravated battery or felony weapon offenses and therefore were not released on bond by the court or found suitable for alternative programs (such

as electronic monitoring) based on the State's Attorney's felony review teams recommendations or the Sheriff's program criteria.

Mr. DeTella explained that the Illinois Department of Corrections is the supervising authority and in charge of prisoners in the state prison system, as well as those released on "mandatory supervised release" (MSR). Otherwise, state inmates are released on parole, which is granted through the Illinois Prisoner Review Board, who is the releasing and revocation authority.

In September of 2000 is when the IDOC kicked off the operational phase of "Operation Windy City" and to date 99% of individuals released on MSR or parole are returned to the IDOC due to technical parole violations.

In response to Commissioner Quigley's question regarding if IDOC has agreed to work with the Sheriff's Office to review certain criteria and set some standards to allow a segment of the parole hold inmate to be placed on alternative programs, Mr. DeTella stated his office was in the process of dialoging with the Sheriff on this issue including the possibility of expanding the eligibility criteria for electronic monitoring program to include non-violent inmates. Mr. DeTella said the intended purpose of these discussions is to assist the CCDOC and alleviate the overcrowding situation with the alternate supervision programs of such parole inmates while on bond by possibly using state parole officers.

In response to Commissioner Quigley's question regarding what financial assistance does the IDOC supply to counties to assist them with the costs of housing state inmates or parole violators in county facilities, Mr. DeTella stated he was not aware of the dollar amount but would provide this information in writing to the Chairman and President's Office.

In response to Commissioner Butler's question regarding the warrant process and how probable cause is determined, Nancy Miller stated that the arresting officer handles warrants and determines probable cause with the State's Attorney's Office. However, from a state parole agents standpoint, probable cause is necessary to determine whether the revocation of parole due to a technical violation.

In response to Commissioner Maldonado's request for information on what the IDOC is currently doing to assist the county on alleviating the impact of new parole system has had on the CCDOC in terms of the increase in the parole inmate population, Mr. DeTella stated that the IDOC is currently apart of meetings with various county officials/ agencies and is assisting in the discussion for the purpose of finding an agreed upon solution to the situation in the near future.

**Chairman Moreno requested written testimony or documentation be submitted to the Chairman's Office from the Illinois Department of Corrections to substantiate their statements, including the claim that the number of parole violators held in Cook County Department of Corrections in the past year has not increased since July 2000.**

**The Chairman also asked that the Illinois Department of Correction keep in mind and communicate with the County on any future legislative initiatives they may be**

**considering in the future that relates to this issue so that we can work collectively to assist with the legal and fiscal problems the county is currently facing as a result of Illinois's improved parole system.**

The Chairman then proceeded to fourth Item on the agenda.

**4. Illinois Prisoner Review Board.**

Chairman Moreno called Mr. Jorge Montes, Member of the Illinois Prisoner Review Board, to give testimony on the Board role in the new parole system

Mr. Montes gave a brief statement on behalf of Anne Taylor, Chairman of the Illinois Prisoner Review Board and the other members of the Board regarding the Board's work and provided some suggestions to improve the system and alleviate the jail-overcrowding situation.

In summary, he stated under the new policy revisions the parole system is working better, but due to its success implementation has resulted in a greater number of parole violators being placed back in the county's court system. He said pointing fault for the overcrowding at the jail is difficult to do, since each entity involved in the process is simply trying to do their job as the law dictates and in a criminal justice system that already has a number of significant underlying problems that also add to the overcrowding situation. He noted most of these problems involve due process, speedy trials, unfunded mandates, and liability issues that all agencies involved must confront.

Beyond these issues, Mr. Montes stated the 14 members of the Illinois Prisoner Review Board have been working with the other agencies and Judge Biebel to contribute some suggestions and solutions to assist moving non-violent parole violators out of the county jails by expediting the parole hearing process. He said one recent change the Board has begun is meeting twice a month in Cook County (instead of once a month) to conduct parole revocation hearings, which has resulted in approximately 120 cases being heard every two weeks. He noted that most of the cases in Cook County do not involve what is referred to as "technical violators". He also pointed out that increasing the number of hearings in Cook County has caused logistical problems for the Board since they must cover the entire State, but due to the overcrowding problem in Cook County the Board felt it was necessary. He stated the Board would continue to work on this problem and try increasing the number of parole hearings in Cook County in the near future.

Mr. Montes also reviewed other recent changes the Parole Review Board has made involving shaving cases at the preliminary stages by: 1) telling inmates they can waive their hearing if their near their release date or past discharge, which allows the Board to fill out the order in abstentia hearings; and 2) training IDOC staff to assist the process by conducting preliminary hearings at the County jail.

In closing, Mr. Montes made the following three suggestions which he stated might further assist in alleviating the jail population of parole inmate: 1) explore other means of identifying cases of parolees that are near or past discharge in order to bypass bringing

them into the system and further clogging the backlog; 2) better identifying those cases involving parolees with drug charges who might qualify as candidates for TASC programs; and 3) getting stricter on permitting continuances of cases at the parole revocation hearing stage, which occurs in about 20% of the cases before the Board each month since most inmates would rather stay in Cook County near family and friends than be sent back to a State corrections facility. He also suggested that, if it were possible, increasing the number of Chicago area members of the Prisoner Review Board would be helpful in solving the logistical problem the current 14 member Board is facing and could result in more parole hearings taking place each month in Cook County.

In response to Commissioner Maldonado's question on what he thought of Sheriff Sheahan's so-called "one-stop-shop" courtroom for parolees, Mr. Montes stated he thought the concept was worth exploring since the "courtroom crush" is a negative factor in trying to process cases in the limited time the Board has in Cook County. He explained that the Board now must wait for an open courtroom before it can begin its hearings and with only 2 meetings a month in Chicago time and space are important factors in processing the caseloads. Again, he noted that the number of Chicago area members would have to be increased if weekly hearing were to take place as the Sheriff suggested.

In response to Commissioner Butler's question on what is the definition for a technical violation, Mr. Montes stated there are numerous violation and the parole agent or arresting officer indicates these on the parole form or case report submitted to the Board at the time of the hearing. He gave examples of a few violations such as drug use, not checking in with the parole agent, and misdemeanor theft. He noted that the Board has discretion in its review of these technical violations and again stated that very few of the cases before the Board in Cook County involve technical violations.

Commissioner Butler stated his concern that even though the Prisoner Review Board might not see many of these, he feels that the number of technical parole violators in Cook County jails are a problem especially when the population is reaching capacity

The Chairman preceded to the last item on the agenda

#### **5. Judicial Advisory Council.**

Chairman Moreno called Mr. James O'Rourke, Executive Director of the Judicial Advisory Council, to provide a summary of the information he had submitted to the Chair on the overcrowding population at the county jail (Attachment No. 5).

Mr. O'Rourke provided some historical statistical information on the county's population and briefly reviewed what the President's Office was currently working on in respect to legislative initiatives in Springfield. He noted the initiatives were still pending and he would be happy to provide an update on this information at the next meeting of this Committee.

In response to Commissioner Quigley's question relating to I-Bonds and why the number of these bonds have dramatically reduced, Mr. O'Rourke stated that over the years

certain resources and alternative sentencing programs have been utilized to address those inmates who in the past used the I-Bonds.

In response to Commissioner Maldonado's question on if the Judicial Advisory Council agrees with IDOC's opinion that the rate of parolees in the county jail population has not significantly increased compared to past years, Mr. O'Rourke stated there simply are more parole agents, more warrants and more parolees back in the court system and the county jail as a result of Illinois improving its parole system.

In response to Commissioner Butler's request for any suggestions from the Judicial Advisory Council on how to decrease the population or overcrowding at the Cook County Department of Corrections, Mr. O'Rourke stated that penalty enhancement laws have significantly increased inmates time in the county jail and the county has tried to tie this fact to fiscal impact statements in hope of at least having the State assist county taxpayers in paying for the cost associated with the increased stay. Beyond this, increasing the electronic monitoring program and seeking the State's fiscal assistance in purchasing this equipment especially for parolees would be helpful.

**Following the testimony and with no further discussion, Chairman Moreno thanked all the agencies for providing information to the Committee and asked that the responses on information requested and any recommendation the agencies could provide to alleviate the problem be submitted in writing to the Chairman and the President's Office for further consideration. He stated the information received by the Chairman's Office would be placed in the record, as part of the Chairman's report, for future discussion at the next meeting called by the Chairman.**

**Commissioner Maldonado moved to adjourn the meeting, seconded by Commissioner Butler. The motion carried and the meeting was adjourned.**

Respectfully submitted,  
Committee on Law Enforcement &  
Corrections

---

Joseph Mario Moreno, Chairman

Attest:

---

Sandra K. Williams, Secretary